IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO.669 OF 2001

Anandrao G.Bhande (Patil)
since deceased by heirs & LRs. .. Appellants
V/s
The State of Maharashtra & Ors. .. Respondents

Mr.R.V.Pai i/by Mr.A.A.Kocharekar for the Appellants.
Mr.S.N.Gawade, AGP for the Respondent Nos.1 to 5.
Mr.L.S.Gaikwad for Respondent No.6.

CORAM: DR.S.RADHAKRISHNAN J.
DATE : 30TH JUNE, 2006.

P.C.:

1. Heard the learned Counsel for the parties. The learned Counsel for the Respondents has brought to my notice the judgments of the Supreme Court in the case of **Laxmi Chand and Others V/s Gram Panchayat, Kararia - AIR 1996 SC 523** and in the case of **State of Bihar V/s.Dhirendra Kumar & Ors.- (1995) 4 SCC 229,** wherein it is clearly held that the Civil Court has no jurisdiction to go into the question of validity or legality of the Notification under Section 4(1) or of declaration under Section 6 of the Land Acquisition Act, and only the High Court can do so under Article 226 of the Constitution of India.

2. In view of the aforesaid position of law, the learned Counsel for the Appellants seeks leave to withdraw this Appeal with liberty to file an appropriate Writ Petition. Hence, the Appeal is allowed to be withdrawn and dismissed as such, with the aforesaid liberty. It is made clear that the aforesaid liberty with regard to filing of Writ Petition should be exercised within a period of six weeks from today.

(DR.S.RADHAKRISHNAN, J.)